

SECOND REGULAR SESSION

# HOUSE BILL NO. 1489

## 97TH GENERAL ASSEMBLY

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INTRODUCED BY REPRESENTATIVES BAHR (Sponsor), KOENIG, ROSS, BRATTIN, REHDER,  
KORMAN AND CURTMAN (Co-sponsors).

4063H.02I

D. ADAM CRUMBLISS, Chief Clerk

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### AN ACT

To amend chapter 106, RSMo, by adding thereto one new section relating to employment of certain public officials.

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*Be it enacted by the General Assembly of the state of Missouri, as follows:*

Section A. Chapter 106, RSMo, is amended by adding thereto one new section, to be  
2 known as section 106.215, to read as follows:

**106.215. 1. As used in this section, the term “official” shall mean any department  
2 director or deputy director, person acting as a department director or deputy director, or  
3 member of any board or commission who was appointed to such office by the governor or  
4 lieutenant governor.**

**5 2. The general assembly is hereby authorized to remove from employment or  
6 service any official if it determines that such removal is necessary for the betterment of the  
7 public service in a manner consistent with the provisions of this section.**

**8 3. A petition signed by sixteen members of the house of representatives and filed  
9 with the chief clerk of the house containing allegations supporting the need for removal of  
10 the official shall initiate the process. After the removal petition has been filed, the chief  
11 clerk shall give a written notice to the secretary of the senate and the official of the  
12 intention to remove him or her from office.**

**13 4. If the requirements under subsection 2 of this section have been met, the house  
14 standing ethics committee shall gather information regarding the allegations set forth in  
15 the petition and shall conduct at least one hearing to allow the official to present a defense  
16 to the allegations against him or her. This hearing shall be a closed meeting and not open**

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

17 to the public. Within thirty days of its first meeting, the committee shall file a report of its  
18 findings with the chief clerk of the house and the secretary of the senate.

19       5. After the committee has filed its report, the members of the house of  
20 representatives shall vote on the removal of the official. If a majority of the members of  
21 the body vote to remove the official, then the senate shall vote on the removal. If in both  
22 houses the majority of the number of votes is in the affirmative, then the official shall be  
23 relieved of his or her employment with the state immediately and shall be removed from  
24 the position he or she holds. If an official is relieved of employment under this subsection,  
25 then such official shall not be eligible for appointment to any position subject to  
26 appointment under this section until the convening of the next general assembly.

27       6. For the purposes of this section, “betterment of the public service” shall include  
28 instances of misconduct, perjury before any committee of the general assembly, violation  
29 of any state statute, a conviction or plea of guilty for committing any crime, habitual  
30 drunkenness, willful neglect of duty, corruption in office, incompetency, or any offense  
31 involving moral turpitude or oppression in office.

32       7. Notwithstanding any other provision of law, if a position of director or deputy  
33 director or a member of any board or commission subject to gubernatorial appointment  
34 under article IV, section 4 of the Constitution of Missouri is vacant for a period exceeding  
35 six months, then such position may be filled by appointment from the lieutenant governor,  
36 subject to the advice and consent of the senate, to fill the vacancy. The governor shall  
37 retain power to make appointments under article IV, section 4 of the Constitution of  
38 Missouri at any time; however, the senate may choose which appointments to consider if  
39 appointments to fill a vacancy have been made by both the governor and lieutenant  
40 governor.

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